

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

## Request for Hearing

UNITED STATES OF AMERICA

V.

JULIO MARIN

Criminal No. 05CR30039-MAP

MOTION FOR RECONSIDERATION OF RELEASE FROM CUSTODY  
AND MOTION FOR SHORTENED TIME FOR GOVERNMENT TO RESPOND

The Defendant, Julio Marin, hereby moves the Magistrate Judge to reconsider the denial of his motion for release from custody. Also, Defendant asks the court to order a shortened time period for the government to respond (if at all). In support thereof Defendant states:

1. On December 13, 2005, the court heard and denied Defendant's Motion for Release From Custody. The motion was based partly on the fact that release from custody would permit the Defendant an opportunity to review the audio and video discovery in this case.

2. At the hearing, the Magistrate Judge a) asked counsel for the defendant to inform the court by December 16, 2005 if the necessary equipment had been received by the Franklin Jail, where defendant is in federal custody, and b) asked counsel for the government to notify the court if it would provide funds to purchase the necessary equipment for loan to facilities where federal detainees are held.

3. The government has filed a letter dated December 14 indicating that it will not provide

funds for the equipment.

4. Defense counsel has filed a letter today indicating that the equipment has still not been received by the Franklin Jail. (In the future, if defense counsel determines that the Franklin Jail obtains the necessary equipment, counsel will inform the court promptly.)

5. Under the circumstances, the Defendant is hamstrung and cannot proceed to evaluate the case. This situation could have been and reasonably should have been predicted by the government when it changed technologies, and the problems created were within its ability to prevent.

WHEREFORE, Defendant respectfully requests that the court reconsider its decision and order Defendant released with conditions. Also, Defendant requests that the court enter an order shortening the normal time period for response by the government. This is needed because unless the Defendant is ordered released by December 20, 2005, Defendant expects to file objections to the Magistrate Judge's order of December 13, 2005.

Respectfully submitted,  
JULIO MARIN, By His Attorney

*s/ Myles Jacobson*

Date: December 15, 2005

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Myles Jacobson, BBO #249600  
Jacobson & Fellows  
90 Conz Street, P.O. Box 597  
Northampton, MA 01061  
Tel: (413) 584-8181

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